



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM OLIVER SMITH,  
aka, HEATH ROBERT GRABE,

Defendant.

2:13-CR-252-JAD-(PAL)

**PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on February 23, 2015, defendant WILLIAM OLIVER SMITH, aka HEATH ROBERT GRABE, pled guilty to Count One of a One-Count Criminal Indictment charging him with Felon in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(1). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 39; Binding Plea Agreement, ECF No. 40.

This Court finds defendant WILLIAM OLIVER SMITH, aka HEATH ROBERT GRABE, agreed to the forfeiture of the property set forth in the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 39; Binding Plea Agreement, ECF No. 40.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal

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1 Indictment and the offense to which defendant WILLIAM OLIVER SMITH, aka HEATH ROBERT  
2 GRABE, pled guilty.

3 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section  
4 924(d)(1) and Title 28, United States Code, Section 2461(c):

- 5 1. a Smith and Wesson .38 caliber handgun, bearing serial number BPU3551; and
  - 6 2. any and all ammunition
- 7 (all of which constitutes "property").

8 This Court finds the United States of America is now entitled to, and should, reduce the  
9 aforementioned property to the possession of the United States of America.

10 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
11 United States of America should seize the aforementioned property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
13 WILLIAM OLIVER SMITH, aka HEATH ROBERT GRABE, in the aforementioned property is  
14 forfeited and is vested in the United States of America and shall be safely held by the United States of  
15 America until further order of the Court.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
17 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
18 website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state the  
19 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the  
20 name and contact information for the government attorney to be served with the petition, pursuant to  
21 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity  
23 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate  
24 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the  
25 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and  
26 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's

1 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's  
2 petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
4 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than  
5 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days  
6 after the first day of the publication on the official internet government forfeiture site,  
7 [www.forfeiture.gov](http://www.forfeiture.gov).

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
9 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
10 following address at the time of filing:

11 Michael A. Humphreys  
12 Assistant United States Attorney  
13 Daniel D. Hollingsworth  
14 Assistant United States Attorney  
15 Lloyd D. George United States Courthouse  
16 333 Las Vegas Boulevard South, Suite 5000  
17 Las Vegas, Nevada 89101.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
19 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
20 following publication of notice of seizure and intent to administratively forfeit the above-described  
21 property.

22 DATED this 26<sup>th</sup> day of February, 2015.

23   
24 \_\_\_\_\_  
25 UNITED STATES DISTRICT JUDGE  
26

**PROOF OF SERVICE**

I, Mary Stolz, Forfeiture Support Associates Paralegal, certify that the following individual was served with a copy of the Preliminary Order of Forfeiture on February 26, 2015, by the below identified method of service:

Electronic Filing

William C. Carrico  
Federal Public Defender  
411 E. Bonneville, S 250  
Las Vegas, NV 89101  
William\_carrico@fd.org  
Counsel for William Oliver Smith

/s/ Mary Stolz  
Mary Stolz  
Forfeiture Support Associates Paralegal